

**Senate Bill No. 795**

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Passed the Senate      September 2, 2003

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*Secretary of the Senate*

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Passed the Assembly      August 28, 2003

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*Chief Clerk of the Assembly*

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This bill was received by the Governor this \_\_\_\_\_ day of  
\_\_\_\_\_, 2003, at \_\_\_\_\_ o'clock \_\_M.

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*Private Secretary of the Governor*

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## CHAPTER \_\_\_\_\_

An act to amend Sections 2557 and 2558 of, and to add Section 2551.6 to, the Streets and Highways Code, and to amend Sections 2421.5, 2430.1, 2430.2, 2435, and 2436 of, and to repeal Sections 2437, 2438, 2439, and 2440 of, the Vehicle Code, relating to streets and highways.

## LEGISLATIVE COUNSEL'S DIGEST

SB 795, Karnette. Motorist aid program.

(1) Existing law, the Freeway Service Patrol Act, establishes the freeway service patrol program managed by the Department of the California Highway Patrol, the Department of Transportation, and a regional or local entity to provide emergency roadside assistance on freeways located in an urban area. Under existing law, a county, pursuant to a specified process, may establish a service authority for freeway emergencies.

This bill would authorize a service authority to operate the freeway service patrol in the county or region in which the authority was created, but would require it to obtain approval from any other agency operating a freeway service patrol in the county or region.

(2) Existing law establishes a system of call boxes along the California Freeway and Expressway System for motorists to obtain assistance. Existing law authorizes a service authority for freeway emergencies to contract with the department or a private entity to handle calls originating from the authority's motorist aid call boxes.

This bill would also authorize an authority to contract with a public entity to handle calls originating from the authority's motorist aid call boxes. The bill would specify that funds exceeding the amount required for the system of call boxes may be used to operate the freeway service patrol. The bill would make related changes.

(3) Existing law establishes the Emergency Roadside Assistance Advisory Committee to recommend training standards for designated providers of emergency roadside services.

This bill would abolish that committee.



*The people of the State of California do enact as follows:*

SECTION 1. Section 2551.6 is added to the Streets and Highways Code, to read:

2551.6. A service authority may agree to operate the freeway service patrol in the county or region in which the service authority was created. If another agency is operating a freeway service patrol in the county or region, the service authority shall obtain approval from that agency before operating the freeway service patrol.

SEC. 2. Section 2557 of the Streets and Highways Code is amended to read:

2557. (a) Except as provided in subdivisions (c) and (d), the moneys received by each authority pursuant to subdivision (b) of Section 9250.10 of the Vehicle Code shall be used for the implementation, maintenance, and operation of a motorist aid system of call boxes, including the lease or lease-purchase of facilities and equipment for the system, on the portions of the California Freeway and Expressway System and a county expressway system, and the unincorporated county roads in that county, and on state highway routes that connect segments of these systems, which are located within the county in which the authority is established. The Department of Transportation and the Department of the California Highway Patrol shall each review and approve plans for implementation of a motorist aid system of call boxes proposed for any state highway route and shall be reimbursed by the service authority for all costs incurred due to review and approval of the plan.

(b) An authority or any other public entity may construct and maintain, and lease or lease-purchase on terms and conditions it deems appropriate, the facilities of a motorist aid system or it may contract with a private person or entity to do so.

(c) If leases or lease-purchase agreements are entered into pursuant to subdivision (a), or if revenue bonds are issued and sold pursuant to Section 2558, the moneys received by each authority pursuant to subdivision (b) of Section 9250.10 of the Vehicle Code shall be used to the extent necessary to make lease payments or to pay the principal of, and interest on, the amount of bonded indebtedness outstanding, as the case may be. Facilities and equipment acquired through the expenditure of proceeds from the



sale of those bonds shall have a useful life at least equal to the term of the bonds.

(d) (1) Any money received by an authority pursuant to subdivision (b) of Section 9250.10 of the Vehicle Code that exceeds the amount needed for full implementation and ongoing costs to maintain and operate the motorist aid system of call boxes, installed pursuant to subdivision (a), may be used for purposes of paragraph (2) and for additional motorist aid services or support, including, but not limited to, the following safety-related projects:

(A) Changeable message signs.

(B) Lighting for call boxes.

(C) Support for traffic operations centers.

(D) Contracting for removal of disabled vehicles from the traveled portion of the right-of-way, including operation of the freeway service patrol pursuant to Chapter 15 (commencing with Section 2560).

(2) Any amendment to an existing plan for a motorist aid system of call boxes adopted by an authority for any state highway route shall, prior to implementation, be submitted to the Department of Transportation and the Department of the California Highway Patrol for review and approval and shall not be implemented until so reviewed and approved. The authority shall reimburse each department for the costs of that review.

(e) An authority may develop policies for the retention of records, including, but not limited to, authority operations, contracts, and programs, and the length of the retention period.

(f) A motorist aid system constructed, maintained, or operated pursuant to this section shall meet the applicable standards of Title II of the Americans with Disabilities Act of 1990 (Public Law 101-336) and federal regulations adopted pursuant thereto.

SEC. 3. Section 2558 of the Streets and Highways Code is amended to read:

2558. (a) Subject to subdivision (b), a service authority may issue revenue bonds pursuant to Chapter 6 (commencing with Section 54300) of Division 2 of Title 5 of the Government Code, or Chapter 5 (commencing with Section 4950) of Part 3 of Division 5 of the Health and Safety Code, as nearly as practicable, for the implementation and maintenance of a motorist aid program and shall pledge revenues to be received from fees referred to in Section 2555 as security for the payment of principal or of interest



or other amounts due on those revenue bonds. In addition, a service authority that has entered into one or more leases or lease-purchase agreements for facilities of a motorist aid program may also pledge, as security for the payment of amounts due under the leases or agreements, revenues to be received from those fees. The pledge of revenues provided for in this subdivision shall be a first and prior lien and, without any action other than the adoption by the members of a resolution providing for the pledge, the lien of the pledge shall attach and become perfected as to each fee imposed pursuant to Section 9250.10 of the Vehicle Code as and when the fee becomes due and payable. However, if a service authority has, at the same time, existing obligations under one or more issues of revenue bonds, one or more leases or lease-purchase agreements, or both, the respective priorities of the liens of pledges of revenue shall be determined on the basis of the respective dates on which resolutions providing for those pledges were adopted, with the highest priority being accorded the pledge of revenues provided for in the earliest of those resolutions. Bond proceeds shall not be used for operation of a motorist aid system of call boxes.

(b) A service authority may issue revenue bonds for each county within its jurisdiction.

SEC. 4. Section 2421.5 of the Vehicle Code is amended to read:

2421.5. (a) When any Service Authority for Freeway Emergencies has imposed additional fees on vehicles pursuant to Section 2555 of the Streets and Highways Code, the authority may contract with the department or a private or public entity to handle calls originating from the authority's motorist aid call box system.

(b) (1) If the contract is with the department, its terms shall comply with the requirements specified in paragraph (2) for the system on the portions of the California Freeway and Expressway System and on county roads in rural, unincorporated areas of the county and on state highway routes that connect segments of these systems, if they are located within the county in which the authority is established and the Department of the California Highway Patrol has law enforcement responsibility over them.

(2) The contract shall contain guidelines, as jointly agreed to between the authority and the department, following consultation with the authority, for services to be provided, including, but not limited to, reporting requirements, immediate transfer of



emergency calls and traffic management information to the department, computer interface capability with the department, performance standards, and coordination with the eligible tow service providers.

(c) If the contract is with a private or public entity, the authority shall ensure that the specifications in the “CHP/Cal Trans Call Box and Motorist Aid Guidelines” are met and coordinate with the department to determine which calls will be transferred to it for response. The authority shall reimburse the department for all costs incurred under this subdivision in accordance with the “CHP/Cal Trans Call Box and Motorist Aid Guidelines.” If an authority has a contract with a private or public entity having a commencement date of July 1, 2003, or prior, the performance standards of those contracts shall remain in effect until modifications are made to the applicable sections of the statewide guidelines.

(d) The authority may contract with the Department of the California Highway Patrol to perform duties as mutually agreed by the parties.

SEC. 5. Section 2430.1 of the Vehicle Code is amended to read:

2430.1. As used in this article, each of the following terms has the following meaning:

(a) “Tow truck driver” means a person who operates a tow truck, who renders towing service or emergency road service to motorists while involved in freeway service patrol operations, pursuant to an agreement with a regional or local entity, and who has or will have direct and personal contact with the individuals being transported or assisted. As used in this subdivision, “towing service” and “emergency road service” have the same meaning as defined in Section 2436.

(b) “Employer” means any person or organization that employs those persons defined in subdivision (a), or who is an owner-operator who performs the activity specified in subdivision (a), and who is involved in freeway service patrol operations pursuant to an agreement or contract with a regional or local entity.

(c) “Regional or local entity” means any public organization established as a public transportation planning entity pursuant to Title 7.1 (commencing with Section 66500) of the Government Code or authorized to impose a transaction and use tax for



transportation purposes by the Public Utilities Code or the service authority for freeway emergencies described in Section 2551 of the Streets and Highways Code.

(d) “Emergency road service” has the same meaning as defined in Section 2436.

(e) “Freeway service patrol” has the same meaning as defined in Section 2561 of the Streets and Highway Code.

SEC. 6. Section 2430.2 of the Vehicle Code is amended to read:

2430.2. “Regional or local entity,” as defined by subdivision (c) of Section 2430.1, also includes the transportation planning entity established pursuant to Section 130050.1 of the Public Utilities Code or the service authority for freeway emergencies described in Section 2551 of the Streets and Highways Code.

SEC. 7. Section 2435 of the Vehicle Code is amended to read:

2435. (a) The Legislature finds and declares that the emergency roadside assistance provided by highway service organizations is a valuable service that benefits millions of California motorists. The Legislature further finds and declares that emergency roadside assistance is provided statewide, in cooperation with, and shares resources with, public safety agencies. The Legislature also finds that the Department of the California Highway Patrol, in cooperation with the Department of Transportation, is responsible for the rapid removal of impediments to traffic on highways within the state and that the Department of the California Highway Patrol may enter into agreements with employers for freeway service patrol operations under an agreement or contract with a regional or local entity. The Legislature declares that it is important to the public safety that drivers who provide emergency roadside service not have criminal records that include violent crimes against persons.

(b) The Legislature also declares that the Department of the California Highway Patrol, in cooperation with the Department of Transportation, shall be responsible for establishing the minimum training standards for highway service organization employees and employers who participate in freeway service patrol operations pursuant to an agreement or contract with a regional or local entity.

SEC. 8. Section 2436 of the Vehicle Code is amended to read:

2436. For the purposes of this article, each of the following terms has the meaning given in this section:

(a) “Emergency road service” is the adjustment, repair, or replacement by a highway service organization of the equipment, tires, or mechanical parts of a motor vehicle so as to permit it to be operated under its own power. “Towing service” is the drafting or moving by a highway service organization of a motor vehicle from one place to another under power other than its own.

(b) “Emergency roadside assistance” means towing service or emergency road service.

(c) “Employer” has the same meaning as defined in Section 2430.1.

(d) “Freeway service patrol” has the same meaning as defined in Section 2561 of the Streets and Highways Code.

(e) “Highway service organization” means a motor club, as defined by Section 12142 of the Insurance Code and, in addition, includes any person or organization that operates or directs the operation of highway service vehicles to provide emergency roadside assistance to motorists, or any person or organization that is reimbursed or reimburses others for the cost of providing emergency roadside assistance, and any employer and includes any person or organization that directly or indirectly, with or without compensation, provides emergency roadside assistance.

(f) “Regional or local entity” has the same meaning as defined in Section 2430.1.

(g) “Tow truck driver” has the same meaning as defined in Section 2430.1.

SEC. 9. Section 2437 of the Vehicle Code is repealed.

SEC. 10. Section 2438 of the Vehicle Code is repealed.

SEC. 11. Section 2439 of the Vehicle Code is repealed.

SEC. 12. Section 2440 of the Vehicle Code is repealed.





Approved \_\_\_\_\_, 2003

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*Governor*

